

From: [Havard, James](#)
To: [Wall, Tom](#)
Cc: [Hunter, Christopher](#); [Lewicki, Chris](#); [Monschein, Eric](#)
Subject: FW: Deschutes Update
Date: Thursday, May 17, 2018 3:55:59 PM

Confidential

Tom – FYI, John reported to me an updated decision about the RA briefing after talking to Dan: I will sit in for OW (Chris L can come to my office). Senior OW folks will not attend the RA briefing next week. Thanks! Jim

From: Goodin, John

Sent: Thursday, May 17, 2018 6:42 PM

To: Ross, David P <ross.davidp@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>

Cc: Campbell, Ann <Campbell.Ann@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Havard, James <Havard.James@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>

Subject: Deschutes Update

DELIBERATIVE DRAFT

Dave et al.— the following is some updated info on the Deschutes TMDLs and a recommendation on how to engage you for input prior to Region 10 action on the TMDLs by our June 29 deadline.

(b) (5)

[REDACTED]

[REDACTED] With the RA's views and background info in hand next week, we would be available to brief you or provide the info to you for your review. Recommend that you could then have a call with Chris before the end of May.

(b) (5)

[REDACTED]

Let me know if we can do anything further.

Thanks,

John

Background

The Deschutes River, Percival Creek, and Budd Inlet Tributaries (Phase 1) TMDL study area is located in south Puget in Thurston and Lewis Counties, Washington. The Washington Department of Ecology submitted the final Phase 1 Deschutes TMDL to EPA for approval on December 17, 2015. That document addresses a total of 73 waterbody-pollutant combinations, involving temperature, dissolved oxygen [DO], pH, fecal coliform, and fine sediment impairments.

Litigation

On September 6, 2017, Northwest Environmental Advocates (NWEA) filed a complaint against EPA alleging violation of section 303(d)(2) of the Clean Water Act (CWA) for failure to act on the

Deschutes River TMDL submission. Section 303(d)(2) requires EPA to either approve or disapprove a state's TMDL submission within 30 days of submittal.

(b) (5)

[Redacted text block]

Current Status

The CWA requires EPA to either approve or disapprove state-submitted TMDLs, and if we disapprove, we are required to develop a replacement TMDL within 30 days. (b) (5)

[Redacted text block]